

## California Public Records Act Request

Date

2019-04-18

Our Ref. Num.

ZX03-190418-03

Please provide the following public records pursuant to the California Public Records Act (the “Act”)<sup>1</sup>, and Article I of the California Constitution. If the recipient cannot address this request, please forward it to the appropriate official or staff member. “You” and “your,” refer to each of the one or more requestee public agencies, and not merely the individual recipient or member, agent, officer, or employee of the public agency. “Including” means “including but not limited to.” We reserve all of our rights under the Act and other applicable law.

**All of your responses, including any disclosed records, secret URLs or file share passwords, may be automatically, instantly, and publicly viewable via the muckrock.com service.**

Please be certain all responses are properly redacted. I am not a representative of MuckRock.

**We request electronic copies of only those records that will be provided to us without any fees and/or that you waive fees.** As we do not want any physical copies, we are not expecting any fees. However, if you determine that you would assess fees to provide us with copies of some or all records (which we may challenge), instead provide us with the fee-free determination of which responsive records exist, so that we may inspect the records instead (for free), if we so choose. As numerous records may be responsive, after providing your statutory response within appropriate deadlines, we are happy to receive record production in a rolling or incremental manner.

### Requestee Public Agency

Town of Paradise

### Requestor

An anonymous member of the public<sup>2</sup>, who may be contacted only via email

### Prompt Response Required

Your determination and reply to this request (or notice of 14-day extension), including estimated date of record availability, is expected within 10 calendar days. (Gov’t Code sec. 6253(c))

<sup>1</sup>References to the Act are made with respect to the Cal. Gov’t. Code as listed on [https://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=](https://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=)

<sup>2</sup>Since Act requests are not even required to be in writing (“The California Public Records Act plainly does not require a written request.” *Los Angeles Times v. Alameda Corridor Transp. Auth.* (2001) 88 Cal.App.4th 1381, 1392.) and may not be distinguished by the purpose of the request (Gov’t Code sec. 6257.5), I choose not to use any forms you may have made available for Act requests nor will I identify myself nor provide contact information other than e-mail address. I will not use any private entity’s contracted public records website if doing so would require agreement to terms or privacy policies which impose any conditions beyond the requirements of the Act.

## Requests

Electronic copies, via email, of all records prepared, owned, used, or retained by each agency (including all appendices, attachments, inline images, exhibits, or shared files referenced in or by the below requested records, and including all public records that pursuant to City of San Jose v. Superior Court (2017) 2 Cal.5th 608 may exist on personal accounts or devices) of any of the following:

- R1. all requests (including all follow-ups) made under the California Public Records Act from December 1, 2018 to December 31, 2018
- R2. all of the Town's responses (including all responsive records, and regardless of the date) to items in R1
- R3. all requests (including all follow-ups) made under the California Public Records Act from January 1, 2019 to January 31, 2019
- R4. all of the Town's responses (including all responsive records, and regardless of the date) to items in R3
- R5. all requests (including all follow-ups) made under the California Public Records Act from February 1, 2019 to February 28, 2019
- R6. all of the Town's responses (including all responsive records, and regardless of the date) to items in R5
- R7. all requests (including all follow-ups) made under the California Public Records Act from March 1, 2019 to March 31, 2019
- R8. all of the Town's responses (including all responsive records, and regardless of the date) to items in R7
- R9. all requests (including all follow-ups) made under the California Public Records Act from April 1, 2019 to April 18, 2019
- R10. all of the Town's responses (including all responsive records, and regardless of the date) to items in R9

Note that per Gov't Code 6253.9(a)(1): "The agency shall make the information available in any electronic format in which it holds the information." If you have these records in .msg or .eml formats, please provide a lossless copy of that record in that original format, or in another format that fully preserves all e-mail headers and other metadata. If you instead, for example, print the email to PDF format, we will lose valuable data associated with the record, and you will not have provided us a complete copy of the public record.

In your notice of determination, state whether you have records responsive to each of the requests made. Please cite legal authority for any records or portions thereof withheld<sup>3</sup> and the names and titles<sup>4</sup> of each person responsible for such withholding. Please perform a diligent search for

<sup>3</sup>Gov't Code sec. 6255

<sup>4</sup>Gov't Code sec. 6253(d)

responsive records and examine them before determining they are exempt, as you may find that responsive records have segregatable disclosable portions that you must disclose,<sup>5</sup> which cannot be determined unless you actually search for records.

Please provide all records solely in electronic format<sup>6</sup> and via e-mail. If a record is available on your public website, a URL is preferable to duplication. If it is not, please consider publishing it so as to benefit the entire public and not just me. If records are too large to provide over e-mail, please use a file sharing service if your agency has one. If you use your file sharing service, and file access would expire, please set the expiration to no less than 30 days after notifying us of record availability. We choose not to provide a mailing address for physical CD-ROMs or USB drives both to preserve anonymity and reduce financial and environmental costs.

All public records “prepared, owned, used, or retained”<sup>7</sup> by every agency<sup>8</sup> named must be considered. Under *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 personal email accounts or mobile devices may contain disclosable public records – please search them as appropriate. If multiple agencies are addressed, a response from each is expected.

Please make note of the reference number (ZX03-190418-03) as I may have sent you multiple, distinct requests with different reference numbers.

Please promptly disclose<sup>9</sup> of all disclosable records responsive to this request, and provide assistance, as needed, in identifying and locating responsive records and overcoming objections to their disclosure,<sup>10</sup> in accordance with the Act, any “requirements for [yourself] that allow for faster, more efficient, or greater access to records,”<sup>11</sup> and other applicable laws and regulations.

Thank you for your prompt attention to this matter.

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<sup>5</sup>Gov’t Code sec. 6253(a)

<sup>6</sup>Gov’t Code sec. 6253.9(a)

<sup>7</sup>Gov’t Code sec. 6252(e)

<sup>8</sup>See Gov’t Code sec. 6527(e)(5) if you are a joint powers agency or joint powers authority.

<sup>9</sup>Gov’t Code sec. 6253(b)

<sup>10</sup>Gov’t Code sec. 6253.1(a)

<sup>11</sup>Gov’t Code sec. 6253(e)